

AO 120 (Rev. 08/10)

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court \_\_\_\_\_ for the Southern District of Texas \_\_\_\_\_ on the following

☒ Trademarks or ☐ Patents. ( ☐ the patent action involves 35 U.S.C. § 292.)

DOCKET NO. 4:13cv0856	DATE FILED 3/26/2013	U.S. DISTRICT COURT for the Southern District of Texas
PLAINTIFF Diageo North America, Inc		DEFENDANT Mexcor, Inc., EJM Investments, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 17 Tms		A COPY OF THE COMPLAINT IS BEING MAILED WITH
2		THIS FORM
3		
4		
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK David J. Bradley, Clerk	(BY) DEPUTY CLERK Joan Davenport	DATE 3/27/2013
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

**B. Diageo's Distinctive and Famous CROWN ROYAL and Purple Bag Trademarks**

22. The CROWN ROYAL<sup>®</sup> and Purple Bag trademarks are inherently distinctive marks.

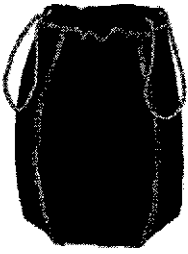
23. Diageo is the owner of many federal trademark registrations for the CROWN ROYAL<sup>®</sup> trademark, including the following (arranged chronologically by first use date; in this Complaint, these trademarks are encompassed by the phrase "CROWN ROYAL<sup>®</sup> trademark"):

Mark	First Use Date	Reg. No.	Reg. Date	Covered Goods
CROWN ROYAL (Stylized) <sup>®</sup>	Jan. 11, 1954	635,313	Oct. 2, 1956	Alcoholic liquors-namely, whiskey
CROWN ROYAL and Design <sup>®</sup>	Jan. 11, 1954	2,094,877	Sept. 9, 1997	Whisky
CROWN ROYAL <sup>®</sup>	1964	2,851,028	June 8, 2004	Alcoholic beverages namely whiskey
CROWN ROYAL and Design <sup>®</sup>	1964	3,020,295	Nov. 29, 2005	Alcoholic beverages, namely, distilled spirits
CROWN ROYAL <sup>®</sup>	1989	3,096,261	May 23, 2006	Articles of clothing, namely, jackets, caps, pullovers, shirts, t-shirts
CROWN ROYAL (Stylized) <sup>®</sup>	1989	3,234,379	Apr. 24, 2007	Articles of clothing, namely, jackets, wind resistant jackets, leather jackets, boxer , shirts, golf shirts, polo shirts, knit shirts, tank tops, pants, sleepwear, sweatshirts, t-shirts, caps, baseball caps, visors, bandanas, hats, aprons, footwear, namely, sandals and flip-flops
CR CROWN ROYAL SPECIAL RESERVE and Design <sup>®</sup>	Oct. 1, 1991	1,724,742	Oct. 13, 1992	Whisky

CROWN ROYAL®	Feb. 2005	3,703,562	Oct. 27, 2009	Articles of clothing, namely, sweatshirts and hats; Financial sponsorship of sporting and cultural events
CROWN ROYAL CHAMPION-SHIP RACING®	Feb. 2005	3,234,495	Apr. 24, 2007	Financial sponsorship of sporting and cultural events
CROWN ROYAL XR®	June 30, 2006	3,291,893	Sept. 11, 2007	Alcoholic beverages, namely, whisky
CROWN ROYAL EXTRA XR RARE and Design®	June 30, 2006	3,314,727	Oct. 16, 2007	Alcoholic beverages, namely, whisky
CR CROWN ROYAL SPECIAL RESERVE and Design®	Sept. 2006	3,332,468	Nov. 6, 2007	Alcoholic beverages, namely, whisky
CROWN ROYAL CASK NO. 16	Sept. 30, 2007	3,506,079	Sept. 23, 2008	Alcoholic beverages, namely, whisky
CROWN ROYAL RESERVE®	Oct. 2008	3,596,123	Mar. 24, 2009	Distilled spirits
CROWN ROYAL RESERVE CROWN ROYAL RESERVE CRR and Design®	Oct. 2008	3,596,124	Mar. 24, 2009	Alcoholic beverages, namely, whisky
CROWN ROYAL BLACK®	Mar. 1, 2010	4,023,275	Sept. 6, 2011	Alcoholic beverages except beers

Each of these trademark registrations is valid and subsisting, and several of these trademark registrations have become incontestable pursuant to 15 U.S.C. §1065. Documentation reflecting the trademark registrations and incontestability status are attached as Exhibit 4.

24. In addition to these trademark registrations for the CROWN ROYAL® mark, Diageo also owns a federal trademark registration for the design of the purple, gold-trimmed drawstring pouch in which CROWN ROYAL® whisky is sold (referred to in this Complaint as the Purple Bag mark):

Mark	First Use Date	Reg. No.	Reg. Date	Covered Goods
	Jan. 1, 1964	3,137,914	Sept. 5, 2006	Alcoholic beverages, namely, spirits

This Purple Bag trademark registration is valid and subsisting and has become incontestable pursuant to 15 U.S.C. §1065. Documentation reflecting this trademark registration and incontestability status is attached as Exhibit 5.

25. In addition to its extensive rights based on its CROWN ROYAL® and Purple Bag trademark registrations, Diageo has extensive federal and state common law rights in the CROWN ROYAL® and Purple Bag trademarks based on Diageo's extensive advertising, promotion, and sales of CROWN ROYAL® whisky and other products using these trademarks.

26. Furthermore, when used in conjunction with each other, the CROWN ROYAL® product, bottle shape, product name, and Purple Bag packaging create a unique, distinctive, widely-recognized, famous, and non-functional trade dress (the "CROWN ROYAL® Trade Dress").

27. In sum, the CROWN ROYAL® trademark, Purple Bag trademark, and CROWN ROYAL® Trade Dress are strong, famous, inherently distinctive, have achieved secondary meaning, and have come to be exclusively identified with Diageo (or the maker of CROWN ROYAL® whisky). As such, the CROWN ROYAL® and Purple Bag marks have by any measure become famous within the meaning of 15 U.S.C. § 1125(c) and Tex. Bus. & Com. Code Ann. § 16.103(b), and are entitled to the widest scope of protection under federal and state trademark infringement, unfair competition, and anti-dilution laws.